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ABSTRACT

Many states give individual schools the authority to make decisions in response to local conditions while still meeting state and district goals. Providing flexibility to local decision-makers is also a potential means for improving student achievement. This report provides a snapshot of several states' recent experiences with flexibility and deregulation, with a focus on how states promote flexibility in their education systems and what impact their efforts have had on student achievement. The report reviewed state education statutes; interviewed 44 policy activists from business, education, politics, and communities; and conducted a literature review. Findings show that the people who grant the flexibility must be prepared to live with nonuniform results; it is still too early to assess the overall impact on student achievement. In addition, structural reforms to improve student achievement have little impact by themselves. Policy evaluation, in general, is a weak link in the policy chain that can be strengthened by examining the impact of policy decisions and using the results to improve decisions and reallocate resources. Flexibility is a necessary but insufficient piece of a comprehensive education reform plan--one of several important strands in a comprehensive approach to improving student achievement. Appendices contain a list of the 44 interviewees, the interview guide, and examples of statutory language. (Contains 25 endnotes.) (LMI)

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EDUCATION COMMISSION OF THE STATES

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LOOSENING THE REINS:

HOW FLEXIBILITY POLICIES CONTRIBUTE TO STUDENT ACHIEVEMENT

STATE LEADERSHIP
FOR LEARNING

March 1997

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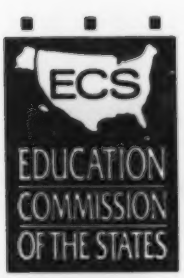

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Introduction

States use differing approaches in their attempts to raise students' academic performance and improve the quality of their public education systems. Early reform emphasis on top-down strategies has given way to a more balanced approach. The current norm is for states to focus on desirable ends through setting standards, designing assessments and implementing accountability systems, while leaving the means to local communities.

Finding the right balance is difficult, however. The struggle typically includes dialogue about appropriate roles of the state, local school districts and, increasingly, individual schools. Recently, this dialogue has focused on giving individual schools the authority to make decisions in response to local conditions while still meeting state and district goals. Depending on the outcome sought, state policies may seek to increase decisionmaking power of the district, school, parents and/or teachers. Regardless of which group is targeted, a common underlying goal is the improvement of student achievement.

Providing such flexibility to local decisionmakers is potentially one way to reach higher levels of student achievement. For the purposes of this report, flexibility is defined as **freedom for students, parents, individual schools and districts to make their own decisions within a broad state framework of clear performance expectations for students, schools and districts.** Flexibility is one component of a comprehensive approach to improving student achievement. Such an approach typically includes:

- A clear statement of what students are expected to know and be able to do
- Some amount of local flexibility to respond to local conditions and needs
- A means of assessing performance of both individual students and their schools
- A method for openly reporting performance assessment results
- Some consequences related to successful or unsuccessful performance.

"Flexibility represents a commitment to build a system that supports strong, competent, adaptable schools, each of which not only responds to state needs and standards but also takes full advantage of the particular strengths of its own children, families and teachers.... While flexibility is no panacea, it offers several advantages over a more rigid system of education. Autonomy allows schools to be more responsive to parents' wishes and students' needs, gives teachers and administrators a stronger sense of purpose and responsibility, creates models of innovation, and encourages schools to use their resources more efficiently."

Executive Summary,
Bending Without Breaking,
p.4

This report is a companion to *Bending Without Breaking — Improving Education through Flexibility and Choice*, which ECS published in June 1996.[1] *Bending Without Breaking* analyzed why flexibility is an appropriate response to today's changing conditions and suggested the kinds of role modifications that schools, school boards and state education agencies are likely to face. This report provides readers with a snapshot of several states' recent experiences with flexibility and deregulation, as well as a review of the research literature on these issues. The primary focus of the work was learning what states are doing to promote flexibility in their education systems and, if possible, finding out what impact their efforts are having on student achievement.

The first step was a review of state education statutes to map the various approaches states have adopted as they seek to reform their education systems, introduce flexibility and, ultimately, improve student achievement. Appendix C highlights statutory language judged to be strong, clearly stated policies covering comprehensive reform and flexibility issues.

The next step was to interview policy activists from business, education, politics and communities (see list of interviewees in Appendix A). Their experiences and advice about what worked and what did not when a state designed policies to give greater flexibility to local education decisionmakers was invaluable. Appendix B is the interview guide used in gathering information.

Finally, a literature review uncovered insights on the impact state flexibility policies are having on student achievement.

Practical Views From the States — What Is Working, What Is Not

The question for which we sought evidence was: "How effective have your efforts toward enhancing local decisionmaking been in raising student achievement?"

Overview and Context

Influenced by history, tradition and sometimes court decisions, and driven by the perception that students are not learning enough, three of the four states (California, Colorado, Massachusetts and West Virginia) studied for this report are trying to find the right balance of state/local actions. They are moving to set state performance expectations and monitor performance. At the same time, they are encouraging communities to respond to local conditions through such means as charter schools, greater parent and community involvement in shaping school policies and offerings, and increased school enrollment options.

The states ECS chose for this study have had education improvement initiatives in place for at least three years.[2] **Staff hoped this would be sufficient time to find evidence of success. In one sense, this was true. Interviewees had definite opinions about how well their efforts were working, and some could point to anecdotal evidence to show that student achievement was improving. Hard evidence of the sort produced by rigorous, replicable research, assessment or accountability systems, however, is not yet available.**

The question for which we sought evidence was: **"How effective have your efforts toward enhancing local decisionmaking been in raising student achievement?"** Respondents had difficulty directly addressing this question. They were more comfortable assessing these initiatives' impact on the expectations, engagement or behavior of parents, teachers or administrators than they were in judging the impact on student achievement. Because broad-scale assessment programs are not yet operational, there is little quantitative evidence to share. In the meantime, the indicators of change are mostly anecdotal and found in the changing behavior of adults. One state-level leader summed up the prevailing mood succinctly:

> Evidence? In the broad context (meaning rigorous research), it is too early to tell.... Anecdotally — based on my 120 school visits last year — I see several things: (1) teacher involvement in professional development is up (there is much discussion about how to do it and how it needs to change); (2) charter schools are showing some results, e.g., one, in particular, has documented substantial increases in student achievement (even the union has taken notice); and (3) urban areas have better materials and smaller class sizes (18-20 students in elementary grades). The real measures — for example, literacy levels of all students in early grades — are not in place yet. This will provide the evidence needed to drive accountability.

This statement summed up policy activists' perspective on the evidence question: The major legislation is in place, substantial progress has been made, they believe they are on the right track, and they are anxious to see results of assessments in the works. But, the first empirical results from statewide assessments are still one or more years away.

A glimpse of what awaits when standards are in place and assessments are completed can be found by examining those districts that implemented standards-based approaches long before the state initiated its efforts. AGENDA 21, a public-interest group in Colorado, undertook one such study. Its examination of seven Colorado school districts found teachers are more focused in their work, and student learning in core areas is greater for all types of students.[3] Although this report did not examine the role of local flexibility in decisionmaking, the fact that these districts' efforts preceded state initiatives indicates a substantial degree of local autonomy.

If it is still too early to assess whether comprehensive reform efforts contribute to improved student achievement, what can be said about specific flexibility policy initiatives?

THE MASSACHUSETTS EXPERIENCE

Historically a strong local control state, Massachusetts increased the role of the state with passage of its Education Reform Act in 1993. Spearheaded by an active business community, the widely supported, comprehensive act launched a potentially powerful collaborative effort to implement higher academic standards through a Common Core of Learning. This core is supported by voluntary, discipline-based curriculum guidelines developed collaboratively. Statewide mandatory performance assessments are under development. A new, more equitable finance formula also is an integral part of the plan. In addition, the act includes a shift in the role of school boards (called school committees in Massachusetts) away from daily operations and toward a stronger policy focus, coupled with an increase in superintendents' power to hire/fire staff. In a parallel effort, Massachusetts is undertaking a full-scale review of education regulations to see how much can be discarded in order to provide districts with greater discretionary decisionmaking authority.

In summer 1996, the education establishment was just completing its discipline-based set of standards. Developing assessments is the next order of business. The pace of change is too fast for some; too slow for others. As a progress report from the Massachusetts Business Alliance for Education concluded:

> **Decades of operating in accordance with a relatively unchanged system and method of approach are being dramatically changed. This change cannot, realistically, be fully effected in a couple of years.... The interdependence of the elements of reform dictates that they cannot all be dealt with sequentially, but must be evolved and implemented in parallel. This leads to what seems to be "too much too soon," in the eyes of educators undergoing change. Balancing this discomfort with a sense of urgency is of the utmost importance.**

Within Our Reach: A Progress Report on the First Stage of Massachusetts' Education Reform, Massachusetts Business Alliance for Education, October 1995

THE COLORADO APPROACH

Colorado is another state with a strong tradition of local control, but passage of a 1993 "standards bill" shifted the balance somewhat more toward the state. The bill was prompted by complaints from business, higher education, secondary schools and parents that students were not performing at high-enough levels to be successful in the Information Age.

Under H.B.1313, the state board of education was charged with developing model content standards which local districts must meet or exceed. In addition, the state will test students' academic progress at the 4th, 8th and 11th grades to ensure students are learning at the appropriate level and pace. The first tests will be given in spring 1997 to 4th graders.

While the standards bill is considered the centerpiece of Colorado's efforts to improve student achievement, it is complemented by related policies. Those policies include a new teacher and administrator licensure law and other laws encouraging charter schools, open enrollment, waivers, local accountability committees and site-based management. Together, these are designed to articulate what the state wants from its public education system without dictating to local districts and schools how to get there.

Not everyone sees this process as benign. One long-time local educator saw recent legislatures as "implementing procedural things that even local school boards used to leave up to principals.... This is just the latest in a series of top-down trends."

Assessments from the state level have a different tenor:

> **Local people may feel that standards reflect some state interest in gaining greater control of schools, when the state was looking for a way to respond to political pressure from business and community leaders to improve schools while staying within Colorado's tradition of local control. Part of the legislature's motivation was to get statewide data in order to paint a more comprehensive picture of what was happening locally across the state.**
>
> State policymaker

Coloradans are in the midst of change. They are committed to staying the course. The next major test comes when assessments of what students are expected to know and be able to do are used for decisions about grade promotion and graduation. That's where the "rubber hits the road."

The Impact of Specific Flexibility Policy Initiatives

Within the four states, experience with specific flexibility policies covered a variety of approaches, including school report cards, school advisory groups, open enrollment, faculty senates, waivers and charter schools. Interviewees were familiar with these policies and offered opinions about how well they are working or not working. They did not have the information needed to assess these initiatives in terms of their impact on improved student achievement, however.

WEST VIRGINIA: QUIETLY UPGRADING

West Virginia's education system always has been highly state regulated with a tradition of close cooperation between the state and county school districts. It is, in the words of one state leader, "a tight state system with clear goals and good support to county districts."

Beginning with West Virginia's technology initiative in 1989, state leaders have worked hard to up-grade the public education system. Pursuing the twin goals of raising student achievement and making teachers comfortable users of technology, West Virginia focused its technology initiative on basic skills in the early grades, gradually expanding it upward. Results have been encouraging, with 4th-grade reading scores on the National Assessment of Educational Progress improving enough to rank West Virginia 11th in the country.

West Virginia also began a downsizing and reinvestment program in education in 1989. Shrinking the state system by 4,500 people made $1 billion available for reinvestment in teacher salaries (up from 49th to 30th nationally), professional development and technology. One elected state leader summed up progress so far this way: "The bottom line on our efforts over the last seven to eight years is twofold: first, how well are students learning; and, second, what kind of conditions are they in — facilities, equipment, quality teachers. The differences between 1989 and 1996 are not even close."

Flexibility initiatives include school improvement councils, faculty senates, school report cards and waivers. A revised school accreditation system with clear consequences is regarded as very effective in improving accountability. S.B. 300, passed in 1996, lays out the agenda for the next decade. It includes a set of measurable goals against which the actions of the governor, legislature, state board of education and the people of West Virginia will be judged. It also adds a strong emphasis on job preparation of students and professional development for teachers and principals.

"School report cards are meaningless because they rely on the honesty of the school principal in reporting, and the principal's incentive is to make her/his school look good."

Parent

"Our annual report card has had little direct benefit. It's a p.r. document with no single mandated format, cumbersome data compilations and little utility."

Superintendent

"School councils run the gamut of effectiveness. The good ones work well with principals and local parent-teacher organizations, develop a school improvement plan, make changes, monitor results. Most bog down on the follow-through part. They should be one-third talk; two-thirds do. They seem to be all talk. Training varies — some local school districts provide training and some do not. One problem is that parents know less and less about what goes on in school as their kids move from elementary school to high school."

Parent

School Report Cards. School- and/or district-level report cards were viewed as yielding too little return for the effort. Most respondents thought the idea was a good one, but said the report cards are used too little to justify the work required to put them together and make them available to parents, community members and the media. They saw them primarily as just another form to fill out.

School Advisory Groups. Success of school-based advisory groups of teachers, parents and community members (variously called school councils, school improvement committees or accountability committees) depends on the school principal's attitude, respondents said. If the principal is an authoritarian type with little interest in sharing information or power, the school council is typically ineffective, and service on it leads to frustration. If, on the other hand, the principal is favorably disposed toward sharing information and building school support through collaborative processes, then a school council can be a powerful means of shaping school programs and building community support.

In some cases, these advisory groups were viewed as threatening to elected district school boards because they strongly questioned district policy or budget decisions. In other cases, there was discussion of making these groups more powerful by giving them greater authority in planning, budget and personnel decisions.

Open Enrollment. Open enrollment is a flexibility policy designed to allow parents to choose the school that best fits their child's needs. Sometimes called public school choice, open enrollment may be limited to schools within the child's district or open to schools in other districts as well. Most of the leaders interviewed saw open enrollment as a marginally effective tool for two reasons: (1) the number of slots typically depends on available spaces which tend to be very limited, and (2) most people do not even realize the option is available. Some respondents believe parents take advantage of the opportunity for other reasons than instructional ones.

As more people become aware of their choices and as schools begin to differentiate their offerings, the appeal and impact of open enrollment may increase. But, in one parent's view, open enrollment is "little more than a safety valve for a small percentage of informed parents with enough money to pay for transportation." The equity concerns inherent in this view need to be kept in mind as these options are reviewed.

Other observers were more positive. They saw open enrollment as providing an avenue for concerned parents in underachieving districts to enroll their children in higher quality programs in nearby schools or districts. This occurred, for example, in Detroit when the Wayne State University school was created.

Faculty Senates. West Virginia uses school-based faculty senates to interview prospective teachers and advise principals on hiring decisions, nominate teachers for local and state recognition programs, and advise principals on curriculum and teacher assignments. State leaders believe teachers are happy with their enhanced role in school decisionmaking. Principals and superintendents see a more mixed bag, depending heavily on the capability and interests of local leaders. Teachers themselves seem to view faculty senates as successful in engaging teachers in assessing their own schools.

Waivers. Waivers originally were conceived as a means of releasing local initiative and stimulating classroom innovation. Several interviewees, however, noted that in reality waivers are used most frequently to avoid administrative requirements. Some local administrators said they avoid the waiver process because it is too hard to justify the need to the people who wrote the original requirement. Two experienced leaders, however, had a different view, seeing waivers as "creating tremendous options" and "an environment that removed anxiety about not being able to do something."

Charter Schools. A majority of state-level leaders and parents in the three states with charter schools agreed that, on balance, the schools are a success story. The common view at the state level was that charter schools have "real accountability" and give local leaders a chance to be creative without leaving the system. Those leaders hope charter school successes will become models for traditional schools.

On the other hand, the majority of local educators were not as impressed, seeing charters as "a parent panacea" and "more about control than innovation." One administrator summed up local management's view on charter schools this way:

> Charters are not a proven entity, although everybody keeps talking like they are. Charter schools will only ever educate a small percentage of the total student population. The best that can be hoped for is that concepts from charter schools can be converted to public schools on a large-scale basis.

CALIFORNIA — A STATE APART

California's per-pupil investment in education is now one of the lowest in the United States and its education code the largest. This is a state that is politically difficult and very diverse. Respondents gave the impression that there is no consensus on the desired direction of education policy and little agreement on what has worked. The summary that appears closest to capturing the state of education in California is there are a lot of initiatives under way; they are not part of a comprehensive plan; and assessment of their effectiveness depends more on what one believes than on any detached analysis.

California's odd governance structure makes it difficult to answer the question: "Who's in charge here?" With a governor-appointed state board of education, an elected superintendent of public instruction, elected county superintendents and appointed district superintendents, it is hard to sort out who does what to whom. Add to this a politically powerful teacher union which focuses on bread-and-butter issues of salaries and working conditions, and one begins to sense the frustration surrounding education in California.

Teacher organizations generally have not supported charter schools because the schools tend to reopen discussions of tenure, collective bargaining, class size, length of day and other issues for which teacher unions have successfully bargained uniform rules throughout a system.

One business leader saw charters as providing excellent opportunities for those few parents and students engaged in them. In the big picture though, "we do not look to charters to replace the whole system; it would be irresponsible public policy to spread an unproven system."

Summary

These examples illustrate one of the underlying principles of introducing greater local decisionmaking flexibility into the education system: **the people who grant the flexibility must be prepared to live with non-uniform results.** Experience suggests the quality of the decisions and the success of the effort depend to a great extent on local leaders' attitudes and capabilities. Several interviewees, while supporting the notion of shared decisionmaking, suggested much more support (training, information and consultative services) is needed to improve participants' skills.

The major conclusion from examining these state experiences is that it is still too early to assess the overall impact flexibility policies have on student achievement because broad-scale assessments are still in the initial design and development stage. As new assessments are introduced and begin to yield performance data, policymakers and educators will have the basis for making more informed judgments about comprehensive school reform initiatives.

If policymakers and educators wish to assess the impact of specific flexibility policies on student achievement, they will need to design and fund studies that address the role flexibility plays in reform. Until then, decisionmakers will have to rely on anecdotal evidence.

With statewide assessment data not yet available, the research literature offers the best source of careful studies addressing questions about the impact of flexibility policies on student achievement. Findings from the literature review follow.

Highlights from the Research Literature

Research examining flexibility issues generally focuses on two things: (1) how well sites have implemented flexibility tools, such as site-based management, school choice, charter schools and/or waivers; and (2) whether the tools have an impact on school climate, teacher or parent attitudes, school decisionmaking and the like. Relatively few studies ask how state policy focused on flexibility approaches affects student achievement.

In his review of systemic reform policy initiatives, David Cohen, professor of education, University of Michigan, concluded "there is little evidence of direct and powerful relations between policy and practice."[4] He notes the wide variety of district and school responses to state policy initiatives and attributes this response to the "terrifically fragmented organization" of American education, the ability of reforms to "point in several directions at once" and local decisionmakers' belief that "they had undiminished authority to make instructional policy."

The Impact of Flexibility Policies on Student Achievement

In this context, what have researchers discovered about the impact of flexibility policies on student achievement? The Center on Organization and Restructuring of Schools (CORS) at the University of Wisconsin-Madison undertook a series of studies that addressed this issue. Researchers Fred M. Newmann and Gary G. Wehlage summarized several years of effort in *Successful School Restructuring: A Report to the Public and Educators,* a readable 53-page report published in 1995.[5] They wrote: "Starting with a focus on student learning, the point of our research was to learn how the tools of restructuring can be used to elevate learning for all students."[6]

They reported: "We found no examples where structural changes alone had transformed conventional schools into strong professional communities that met the center's standards for high-quality learning." The solution, Newmann and Wehlage concluded, lies in creating "concentric circles of support."

Their four circles start with a clear focus on student learning based on "a vision of high quality intellectual work." Teachers (the second circle) give life to the vision by requiring students to think, understand and apply academic learning. The researchers call this approach "authentic pedagogy."

The next circle of support is a school organized to help teachers and students meet high intellectual standards — what researchers termed "professional communities" — and accept collective responsibility for student learning. The final circle is a supportive external environment of districts, state and federal agencies, parents and other citizens. The researchers found:

> If we assume that our standards of intellectual quality are appropriate goals, then there is good news and bad news. The good news is that some teachers and schools have been reasonably successful, signaling hope that authentic pedagogy is achievable. The bad news is that overall levels of authentic pedagogy remain low according to these standards, even in highly restructured schools, and that some teachers and schools have barely begun the journey toward authentic pedagogy.

Some specific results from two of the four studies the researchers examined included:

- National Educational Longitudinal Study of 1988 data showed that "an average student who attended a 'high authentic instruction' school would learn about 78% more mathematics between grades 8 and 10 than a comparable student in a 'low authentic instruction' school."
- The School Restructuring Study "showed that authentic pedagogy brings equal achievement benefits to students of different gender, socioeconomic status, race, and ethnicity."

Using findings from these two studies together, the researchers "found that students in schools scoring high on the three indicators [below] would have the following achievement gains over students in schools scoring low:

> Common Curriculum — from 46% to 100% higher
> Collective Responsibility [of teachers] — from 54% to 137% higher
> Academic Press [on students] — from 38% to 60% higher."

What can external agencies, including states, do to encourage these kinds of gains? Newmann and Wehlage concluded:

> Schools are nested in a complex environment of expectations, regulations and professional stimulation from external sources, including districts, state and federal agencies, independent reform

projects, parents and other citizens. Schools need critical financial, technical and political support from these external sources. We found that external agencies helped schools to focus on student learning and to enhance organizational capacity through three strategies: setting standards for learning of high intellectual quality; providing sustained, schoolwide staff development; and using deregulation to increase school autonomy. But sometimes external influences pulled schools in different directions, imposed unreasonable regulations, and instigated rapid shifts in policy and leadership, all of which can undermine organizational capacity.

The road to increased student achievement does not look like an interstate highway on the high plains. It is more like a narrow, curvy, hilly country road, requiring patience and attention to the roadmarks provided by careful research.

If external support is to be effective, both schools and agencies should be aware of two important complexities. First, none of the forms of external influence assure progress in student learning or organizational capacity.... Assuming that external agents promulgate high-quality standards and provide useful staff development, implementing these well requires strong leadership and a receptive school culture, characteristics not present in all schools. Second, external agencies differ in the power they have to influence schools.... Districts and states have more legal, political and economic power, but often bureaucratic tendencies limit their ability to deliver effective help to schools. Political compromise or conflict among competing interest groups, and continuing shifts in leadership at the state and district levels, often lead to confusion over strategies and long-term goals.

A second major source of research evidence on the impact of flexibility approaches on student achievement is the work of the Consortium for Policy Research in Education (CPRE), which in 1996 issued a summary of its 1990-1995 research.[7] With specific regard to flexibility issues, research results from CPRE's Intergovernmental Relations and School Policy studies led to these conclusions:

- "Deregulation alone does not spur much change in local school policy. Schools also need to build additional capacity, and develop additional policies, to make use of the new flexibility. As it is, not all eligible schools take advantage of deregulation, and many that do could be called 'entrepreneurs' who take advantage of virtually any resource.
- Rhetoric around school-based management, choice, decentralization and deregulation frequently exceeds real implementation. Opposition from those attached to the status quo, comfort with traditional arrangements and inertia, among other reasons, make it difficult to redistribute authority in our educational system.

- Deregulation and decentralization plans do not always work well.... Urban schools, existing in a more politicized environment than suburban schools, also may find that decentralization leaves them vulnerable to pressure from particularly vocal constituencies, sometimes lessening the focus on academic achievement.
- State and local agencies are slow to adapt to new policy goals. They are typically built around complex hierarchies that hamper comprehensive approaches to reform and make aligning policy difficult."

Another CPRE study traced the evolution of deregulation.[8] Authors Susan Fuhrman, dean of the University of Pennsylvania School of Education, and Richard Elmore, Harvard University education professor, noted at the outset that "the push toward flexibility stems from the belief that autonomy is an important spur to school improvement." Unfortunately, they do not probe this belief or report any evidence on the relationship between flexibility and school improvement. After examining the experiences of schools in South Carolina, Washington and Texas, they concluded:

> ...the role of deregulation *per se* is difficult to sort out. Not only were many post-waiver activities possible prior to the deregulation effort, but also other factors appeared to outweigh the presence of deregulation in explaining school response.

One teacher reported:

> We thought we were going to need lots of waivers.... The thing that was really shocking was finding out that we didn't need waivers for most of the things we wanted to do. What really scared me about that was finding out all the things we think we have to do, and it is just your district's interpretation, or it's just the way it has always been done. And if you read the rules and read the laws and read the regulations, you don't have to do that, but nobody knows.

Fuhrman and Elmore concluded that "one of the most important effects of deregulation for school-level respondents was the removal of regulation as an excuse for traditional practice." They went on to tease out some state policy implications of their work:

- Deregulation should be viewed as one component among multiple supports and elements that states and districts can provide.
- Deregulation should be tied to accountability and incentive structures that promote continuous improvement in performance.
- Development of credible and legitimate assessment measures is a high priority.

- Not all regulations can be eliminated. Rather than eliminating regulation, policymakers might think about rationing regulations. Concerns about equity and politics will continue to lead to new regulation.
- Policymakers need to rely less on mandates and focus more on building capacity.

Approaches must be developed to correct the persistent difficulties of schools that are consistently failing.

The Central Role of Committed, Competent Staff

CORS researchers noted that "a school's success in educating students depends on the commitment and competence of individuals within the staff." But, they also realized that individual skill is not enough. Examining the pertinent research, Newmann and Wehlage concluded that individual skill must operate within an organizational context that promotes collective learning and effectiveness. Building this organizational capacity requires:

- "...clarity and consensus about central goals for student learning
- ...collective responsibility among staff and students to cooperate, collaborate and work for the mission
- ...continuous reflection aimed at individual and organizational growth
- ...deliberate promotion of professional development opportunities."

This capacity-building approach is emphasized in recent steps recommended by the National Foundation for the Improvement of Education and endorsed by the National Commission on Teaching and America's Future.[9]

Promoting professional development goes hand-in-hand with recommendations to revitalize professional development opportunities through such means as teacher academies, school-university partnerships or collaboratives and teacher networks.[10] Teacher networks, organized by teachers to address tough issues of concern, are becoming increasingly potent mechanisms for enhancing organizational capacity. As Ann Lieberman, professor of education, Teachers College, Columbia University, and Milbrey W. McLaughlin, professor of education, Stanford University, concluded:

> Networks provide teachers with the motivation to challenge existing practices and to grow professionally.... [N]etworks provide the support, knowledge and encouragement necessary for teachers to implement innovative ideas....[11]

Support for collaborative learning networks is now embedded in standards for teaching being promulgated by the National Board for Professional Teaching Standards, the Interstate New Teacher Assessment and Support Consortium and the National Council for Accreditation of Teacher Education.[12]

But what impact do these approaches have on student achievement? Westat, Inc. examined this question for the National Science Foundation (NSF) and found:

> In general, evaluations of teacher enhancement programs have rarely produced credible evidence of positive student outcomes, particularly in the area of student achievement. This is because most evaluations have surveyed teachers who can only report their impressions of changes in students' achievements or attitudes.... Nevertheless, a small number of studies have addressed the impact of teacher enhancement programs on students.
>
> One study in particular stands out. Using pre- and post-program test measures of student achievement, Rhoton, Field and Prother (1992) found statistically significant gains in the performance of students whose teachers had participated in an NSF Science Education Leadership Institute. It should be noted that this project was a long-term intervention and included the participation of the school principal. These two factors made this teacher engagement program fit into a larger systemic reform effort.[13]

Basic Lessons

Several lessons emerge from the research findings on flexibility policy efforts:

- Flexibility policy efforts, like other single-focus approaches, provide no guarantees of improved student achievement and are best viewed as one strand of *many interrelated initiatives designed to improve schools and learning.*
- The research base is still fairly limited and recent. As scholars continue to examine the effects of various policy approaches, new findings will add to the emerging understanding of appropriate balances between state and local decisionmaking, the conditions that encourage successful state policy implementation at the local level and the role of flexibility in improving student achievement.
- Because America has a highly decentralized education structure, *new ideas take time to penetrate.* Implementation and subsequent results

therefore may show up in one school or district well before they show up in another school or district.

- As ideas filter down to the local level, they are interpreted differently in different settings. This gives flexibility efforts an overall look of incoherence in the short run, an appearance that may diminish as practices are compared over time and the most effective ones become more widely adopted.
- Increasing efforts to make the education system more *flexible is slow, uneven work that requires levels of patience and persistence that are uncommon in the policy arena.*

Cohen provides a good snapshot of the difficulties faced by education reformers:

> The U.S. school "system" is in some critical respects a nonsystem, a congeries of more than 100,000 schools situated in 15,000 independent local governments, governed by 50 state governments and hundreds of intermediate and special district governments in between, as well as by federal agencies and influenced by countless private organizations. As the reform ideas became popular and played through this fragmented structure, they were picked up by an astonishing variety of organizations — all concerned with schools but each concerned in its own way. The sprawl of organizations helped to amplify differences in what educators made of the messages that flowed around them.... These are, of course, only initial responses; if states and localities continue to press for systemic reform for many years more, and if the new ideas sink in more deeply, greater coherence may ensue (pp. 12-13).

States' experience and research reports both point to the need for a broader view of flexibility issues. The next section outlines such a view.

Flexibility — A Broader View

Restructuring alone does not guarantee changes in instructional practice or enhanced student learning.

* * *

Policymakers do not pay enough attention to the role that students could play in raising their achievement.

So far, state approaches to flexibility have been mostly structural and mostly of limited impact. As Elmore notes:

> Most school reformers and practitioners take for granted that changes in structure produce changes in teaching practice, which in turn produce changes in student learning. Research on these connections presents...a much more pessimistic and complex view.[14]

Among the general conclusions from CPRE's five years of research are the following:

- Reformers often put too much emphasis on structural changes...because they wrongly assume that structural changes will automatically boost achievement.
- Restructuring alone does not guarantee changes in instructional practice or enhanced student learning.
- School-based management and school restructuring only work when they are focused on boosting student achievement.
- Policymakers do not pay enough attention to the role that students could play in raising their achievement.[15]

Elaborating on this last point, CPRE researchers noted:

> This implies greater focus on students' readiness to learn. Reformers also are calling attention to the gap in the incentive structure for students. Even though a college education or high levels of writing and mathematical skills are increasingly necessary for a good job, few employers pay attention to high school performance, and only very competitive colleges put a high premium on good grades. Even if family and teachers push students to excel, today's culture sends strong anti-intellectual messages.[16]

Perhaps a broader view is needed — one that builds from high expectations and clear standards while coupling flexibility more closely with responsibility and extending the concept to all of the important actors, especially parents and students. Diane Ravitch, senior research scholar, New York University, puts student achievement in such a perspective:

Two decades ago, a teacher in an average high school in this country could expect to have three or four "difficult" students in a class of 30. Today, teachers in these same schools are expected to teach to classrooms in which nearly half of the students have "checked out."

> The changes observed during the past generation indicate that student achievement goes up or down in response to expectations and standards. The state, the school district, the schools, teachers, parents, peers, colleges, employers, the community and the media, each in their own way, send a message to students about the kind of behavior and performance that is expected of them. Most students respond accordingly.[17]

In a book on why school reform has failed, Laurence Steinberg, psychology professor at Temple University, sums up just how most students have responded to the signals they receive from their environment:

> One of the extraordinary changes that has taken place in American schools in the past 25 years is the shift in the relative proportions of engaged and disengaged students. Teachers have always encountered students who were difficult to interest and hard to motivate, but the number of these students was considerably smaller in the past than it is today. Two decades ago, a teacher in an average high school in this country could expect to have three or four "difficult" students in a class of 30. Today, teachers in these same schools are expected to teach to classrooms in which nearly half of the students have "checked out."[18]

In examining ways to improve student achievement, researchers have come to understand that by focusing only on schools and educators, they are ignoring the critical roles of parents and students. The cross-cultural research of University of Michigan psychologist Harold W. Stevenson supports the view that students and parents must become more engaged in academic pursuits if student achievement is to improve. This passage from Ravitch's book on standards sums up some key points from Stevenson's research:

> "Stevenson identified several factors that contribute to poor academic performance by American students. First, *American students spent less time in academic activities, either in school or at home.* In the American classrooms, 64.5% of the time was devoted to academic activities in 5th grade, compared with 91.5% in Taiwanese classrooms, and 87.4% in Japanese classrooms.... Second, *American teachers usually worked in isolation, while Asian teachers collaborated to improve their teaching....* Third, *American parents were very satisfied with their children's schools and their children's performance, while Asian parents were not.* One of the most striking findings...was that American mothers were very pleased with their children's school: 91% rated it either 'excellent' or 'good'; only 42% of Chinese mothers and 39% of Japanese mothers gave their

children's school similar ratings.... Fourth, *American students and their parents attributed academic success to ability; Asian students and their parents attributed academic success to effort....*

Stevenson's research demonstrated that 'the achievement gap is real, that it is persistent, and that it is unlikely to diminish until, among other things, there are marked changes in the attitudes and beliefs of American parents and students about education....' Perhaps most disturbing among his findings is that American students and parents are generally satisfied with the current level of academic performance."[19]

John Bishop, a labor economist at Cornell University in the mid-1980s, studied data from the National Assessment of Educational Progress (NAEP), trying to figure out why American students learned so little and what could be done about it. "The key to American students' poor performance," Bishop said, "is apathy and lack of motivation.... Teachers cannot demand much because many students are passive and uninterested in learning."

He pointed to several research studies that documented student apathy, citing reformer Theodore Sizer's observation that "no more important finding has emerged from...our study than that the American high school student, *as student*, is all too often docile, compliant and without initiative." Bishop argued that:

> The fundamental cause of the problem is our uncritical acceptance of institutional arrangements that do not adequately recognize and reinforce student effort and achievement. During the 1960s and 1970s, we adopted practices and curricula that hid a failure to teach, that protected adolescents from the consequences of failing to learn, and that prevented many of those who did learn from reaping the fruits of their labor. Although there are benefits to staying in school, *most students realize few benefits from working hard while in school.* The lack of incentives for effort is a consequence of three phenomena:
>
> - The labor market fails to reward effort and achievement in high school.
> - The peer group actively discourages academic effort.
> - Admission to selective colleges is not based on an absolute or external standard of achievement in high school subjects."[20]

"The first, and most significant, problem, is the high prevalence of disengaged parents in contemporary America. By our estimate, nearly one in three parents in America is seriously disengaged from his or her adolescent's life and, especially, from the adolescent's education....

A second contributor to the problem is contemporary American peer culture that demeans academic success and scorns students who try to do well in school.

Student achievement is as much a product of the ways in which children and adolescents arrange and structure their lives — the activities they pursue, the priorities they hold, the endeavors they value — as it is a product of the schools they attend. It is unlikely that school reform, in and of itself, will make school more important in the minds of students. And unless and until students and their parents view success in school as a necessary and worthwhile goal — actually, until success in school *is* a necessary and worthwhile goal in American society — students will not seek it with passion or commitment."

Laurence Steinberg, *Beyond the Classroom: Why School Reform has Failed and What Parents Need to Do.* New York: Simon & Schuster, 1996

As ECS concluded in *Bending Without Breaking*, "Piecemeal attempts have typically brought limited success."[21] It is time to move beyond piecemeal. It is time to couple a broader perspective with serious efforts to evaluate the effectiveness of state education policy initiatives.

What Needs to Happen Next

The time has come for policymakers to include the broader environment into which policy innovations are planted.

Take a Broader Perspective

The track record produced by long and sincere efforts to improve student achievement by focusing exclusively on the schools has been disappointing. The time has come for policymakers to include the broader environment into which policy innovations are planted. If one thinks of a policy innovation as a seed, one can think of the environment as the soil it is planted in, the temperatures it is exposed to, and the amount of sunshine, water and food the seed gets. If any of these environmental elements are seriously out of balance, the seed will not perform to its potential; indeed, it may die.

If, for example, improving student achievement is the target and flexibility in local decisionmaking is a policy means, the environment consists of the people (educators, parents, employers, students) and other resources (physical assets and money) that make up each school and need to be focused on the target. If parents and students are not effectively engaged and have no incentives to become engaged, for example, a flexibility policy will not work for them.

Beginning to look at policy possibilities in this way provides a broader perspective that opens new avenues for both making and examining policy.

Evaluate Policy Effectiveness

Policymakers and educators need to know much more about what works to improve student achievement, including conditions surrounding the school as well as conditions within the school. With this base, they can begin to identify state policy initiatives that support what works and link public resources to these efforts.

At present, anecdotal evidence serves as the main, though possibly unreliable, indicator of how well state policy initiatives are working. State policymakers could benefit from a more systematic examination of what impact comprehensive reform policies and the environments in which they operate have on student achievement. Such research is complex, given the myriad intervening variables that affect student achievement. And, as one policymaker said bluntly, research of this kind,

The size of the public's investment in education justifies serious efforts to sort out cause-and-effect relationships. It should necessitate social science's best efforts to isolate state policy's impact on students' classroom performance. Without such evidence, policymakers remain at the mercy of the protective rationales of interested parties.

with its many caveats and weak conclusions, is not very useful to policymakers.

The size of the public's investment in education justifies serious efforts to sort out cause-and-effect relationships. It should necessitate social science's best efforts to isolate state policy's impact on students' classroom performance. Without such evidence, policymakers remain at the mercy of the protective rationales of interested parties.

Suggested Approaches for Getting Better Evidence of What Works. Education (including higher education) accounted for 28.4% of all state and local government expenditures in 1992. This nearly $327 billion investment made public education the largest single expenditure in public budgets. Looked at another way, in 1992, every taxpayer in America invested, on average, $2,876 in public schools.[22]

Investments of this magnitude should be made on more than last year's base plus this year's political agility. *They should be based on evidence that the investments made in education are producing an acceptable return.* In other words, policymakers and educators should learn from experience. As Fuhrman and Elmore note:

> A final implication cuts across all the others. The system must improve the way it learns from past efforts, be they efforts to deal with failing schools or deregulatory experience.... It is clear that much more study and attention must be paid to the political, technical and ethical issues influencing decisions about regulation. Without such analysis, deregulation is likely to continue to be fairly unattainable and disappointing in reality.[23]

CPRE researchers are blunt in their assessment of the situation:

> Reforms are often not evaluated. False or exaggerated claims of success are currently the basis for some school reform strategies, in part because we lack better, more timely evaluations of new practices and programs. Potential users need better information about effects, costs, conditions of success and unanticipated effects.[24]

How might such "better information" be obtained? ECS and the American Productivity & Quality Center (APQC) are jointly developing one broad approach. Known as the Alliance for Best Practices in Education Policy, this venture, to be launched in 1997, will seek to benchmark best practices in education policy, create a "knowledge base" of best practices accessible through the World Wide Web, and nurture a network of facilitators to provide information and training to interested organizations.

Following are some approaches states could use to answer critical policy questions. In turn, the evidence gathered could be used to shape public-sector investment decisions.

Approach # 1. Contracting for Focused Policy Evaluation Research

Outlined below are three variations states might consider for obtaining better information about the effects of education policy initiatives. Although conceived for examining flexibility policies, these approaches could readily be used to produce better information for any policy initiative.

- *Support a policy evaluation center* at a public university, in a quasi-independent research group or in the private sector. Under this approach, government would contract with an appropriate evaluation provider (on a five-year basis, for example) to respond to an annual policy agenda developed by state government leaders. The work contracted would focus on critical questions facing state government and would be delivered on a schedule designed for maximum influence in the policy decisionmaking process. It might be paid for by setting aside a small amount of the annual public education appropriation, say, for example, $1-2 per student per year.
- *Capitalize on employer unease over the skills and abilities of entry-level employees by asking the private sector to respond to public-sector investment decisions.* Under this approach, leading employers might join with the philanthropic community to sponsor the kinds of public-sector investment analyses they think are needed. Armed with this information, corporate and foundation leaders could lobby elected political leaders for changes and trumpet their results in the media.
- *Adapt the peer-review process the federal government uses to award research contracts.* Using this idea, political leaders would agree on the questions they would like answered, then contract with experts, such as university faculty or private firms, to develop a Request for Proposals (RFP). Interested respondents would bid for the work by describing how they would accomplish the tasks laid out in the RFP, for example, what data would be needed, how it would be analyzed and reported, who would do the work, and how much it would cost. A team of external reviewers then would rate the responses and recommend to the government group who should be awarded the contract. This approach would require policymakers to give careful thought at the front end to focus on the core questions and charge the bidders with supplying timely results that have utility in the policymaking process.

Any of these approaches, adapted to each state's governance structure and traditions, would provide a firmer foundation than currently exists for making judgments about policy effectiveness. The information gained should lead to better investment decisions, and could be used to provide better information to the public.

Approach # 2. Strengthen the Budget Process

This approach brings an investment spirit to public-sector budgeting. It starts from an examination of what the public is buying with its tax dollars, then asks what the public is getting for its investment. With this information, budget decisionmakers can begin to evaluate how public funds are invested, make informed choices among competing demands, and routinely monitor program and policy results.

Most budget decisionmakers do not have this kind of support. Providing such support to elected officials requires reallocating existing resources to support the gathering and analysis of the kinds of information that respond directly to decisionmakers' needs.

This could be done in one of several ways.

- Form a *special Education Priority and Investment Committee from the membership of the education and expenditure committees* (possibly augmented with leaders from outside the legislature). This committee would be charged with recommending where to invest tax dollars to get the greatest increase in student achievement in the long run. It would have a sufficient budget to meet its staffing needs, contract for specialized studies or both. This approach recognizes the importance of budget decisions and provides a means of producing better evidence to inform decisionmaking.
- *Compare current practice within the state to the best practices that can be found in the nation or world*, either within or outside of education. Known as benchmarking, this approach has been used extensively in the private sector and is being adapted to public education by ECS and APQC, as described above.

Conclusion

Policy evaluation, in general, is a weak link in the policy chain. This link can be strengthened, however, by examining the impact of policy decisions and using the results to improve decisions and reallocate resources.

State policy activists intervicwed believe they are on the right track by putting comprehensive education reform initiatives in place at the state level and leaving as much room as possible for local communities to design and implement approaches that meet both state and local needs. Flexibility policies are one tool state leaders can use to take advantage of the training, experience and commitment of local educators. They also provide a path for involving parents and students in the education process.

The research literature provides a cogent warning about relying on structural reforms to improve student achievement. Such reforms have little impact by themselves. Rather, efforts to improve education need to include not only the school but also the environment in which it operates. Parent and student involvement in the process is especially critical.

Policy evaluation, in general, is a weak link in the policy chain. This link can be strengthened, however, by examining the impact of policy decisions and using the results to improve decisions and reallocate resources.

However one slices it, improved student achievement arises from what students, parents and teachers do together. Everything else supports this core. As ECS' *Bending Without Breaking* report noted:

> Ultimately, responsibility for improving student performance belongs at the local level, where the stakes are highest and where constructive change is most likely to occur.[25]

Flexibility, therefore, is a necessary but insufficient piece of a comprehensive education reform plan. It is one of several important strands in a comprehensive approach to improving student achievement.

Endnotes

1. *Bending Without Breaking — Improving Education through Flexibility and Choice* is available from the Education Commission of the States (ECS) Distribution Center, 707 17th St., Suite 2700, Denver, CO 80202; 303-299-3692; fax: 303-296-8332.

2. The four states were chosen using the following criteria: (1) state statutes with at least two examples of comprehensive approaches to school improvement, e.g., statewide standards, performance assessments or accountability requirements, plus at least two examples of specific policies designed to promote local flexibility, e.g., waivers, site-based management, charters, open enrollment; (2) sufficient history to be able to demonstrate results, at least anecdotally; and (3) balance on such attributes as geography, urbanness and party leadership. States first were sorted according to a review of current state statutes, then further sorted based on the experience and knowledge of ECS staff. In-state observers then were asked to comment on the local scene. Their comments served as the final selection screen.

3. *Pioneering Standards: Early Results in Colorado Schools.* AGENDA 21: The Future of Education in Colorado. Denver, CO. February 1995.

4. David K. Cohen. "What is the System in Systemic Reform?" *Educational Researcher*, December 1995, Vol. 24, No. 9, p. 11.

5. Their evidence comes from four sources: (1) the School Restructuring Study of 24 "significantly restructured public schools" located in 16 states and 22 districts over three years; (2) the National Educational Longitudinal Study of 1988, which included a nationally representative sample of more than 10,000 students in about 800 public, Catholic and independent high schools; (3) the Study of Chicago School Reform which gathered "survey data from 8,000 teachers and principals in 400 elementary and 40 high schools from 1990 to 1994"; and (4) the Longitudinal Study of School Restructuring, which included "four-year case studies of eight schools that had embarked on different forms of restructuring in four communities."

6. Newmann and Wehlage focus on flexibility issues through the lens of restructuring: "Structural reforms include decentralization, shared decisionmaking, school choice, schools within schools, flexible scheduling with longer classes, teacher teaming, common academic curriculum required for all students, reduction of tracking and ability grouping, external standards for school accountability and new forms of assessment, such as portfolios." (p. 1).

7. CPRE unites five of the nation's leading research institutions in efforts to improve student learning through research on education policy, governance and finance. CPRE members are the University of Pennsylvania, Harvard University, Stanford University, the University of Michigan and the University of Wisconsin-Madison. The research summary referred to is titled *Public Policy and School Reform: A Research Summary* and is available for $5 from CPRE Publications, Graduate School of Education, University of Pennsylvania, 3440 Market Street, Suite 560, Philadelphia, PA 19104-3325; phone: 215-573-0700, ext 0.

8. Susan H. Fuhrman and Richard F. Elmore. *Ruling Out Rules: The Evolution of Deregulation in State Education Policy.*"Consortium for Policy Research in Education, March 1995.

9. National Foundation for the Improvement of Education (NFIE). *Teachers Take Charge of Their Learning: Transforming Professional Development for Student Success.* Washington: NFIE, 1996.

   National Commission on Teaching and America's Future. *What Matters Most: Teaching for America's Future.* New York: Teachers College, Columbia University, 1996.

10. Ann Lieberman. "Practices That Support Teacher Development: Transforming Conceptions of Professional Learning," *Phi Delta Kappan,* April 1995, pp. 591-596.

11. Ann Lieberman and Milbrey W. McLaughlin. "Networks for Educational Change: Powerful and Problematic," *Phi Delta Kappan,* May 1992, pp. 673-677.

12. Linda Darling-Hammond. "The Quiet Revolution: Rethinking Teaching Development," *Educational Leadership*, Vol. 53, No. 6, March 1966, pp. 4-10.

13. Joy A Frechtling, Laure Sharp, Nancy Carey and Nancy Vaden-Kiernan. *Teacher Enhancement Programs: A Perspective on the Last Four Decades*. Washington: National Science Foundation, June 1995, p. 33.

14. Richard Elmore. "Structural Reform and Educational Practice," *Educational Researcher*, December 1995, p. 23. Critics note there is little empirical evidence to support many of these reform initiatives. See, for example, Stanley Pogrow, "Reforming the Wannabe Reformers: Why Education Reforms Almost Always End Up Making Things Worse," *Phi Delta Kappan*, June 1996, pp. 656-663.

15. Consortium for Policy Research in Education (CPRE). *Public Policy and School Reform: A Research Summary*. 1996, p. 1 and p. 8.

16. CPRE, p. 7.

17. Diane Ravitch, *National Standards in American Education: A Citizen's Guide*, 1995, p. 97.

18. Laurence Steinberg. *Beyond the Classroom: Why School Reform Has Failed and What Parents Need To Do*. New York: Simon & Schuster, 1996. David Cohen echoes this theme: "Professional values and commitments do not subsist in a social vacuum. Teachers cannot be expected to dramatically improve instruction in the absence of the social resources that support it. One resource is students who will collaborate in and families that will support improved schooling, but as things now stand, many teachers do not have those resources. Instead, many have indifferent students and families or terrific conflict over the ends and means of schooling. A second social resource of instruction is students who are decently prepared to attend school and engage in academic work, yet many are ill-fed and clothed, barely literate, get little or no help with schoolwork from parents, and face daunting social and family problems. Even with the most committed and capable teachers, such students would face immense problems in performing at high levels." David K. Cohen, "What is the System in Systemic Reform?" *Educational Researcher*, December 1995, Vol. 24, No. 9, p. 15.

19. Ravitch, pp. 110-113. Psychologist Laurence Steinberg reinforces this view.

20. Ravitch, pp. 115-116.

21. ECS, p. 32.

22. Kathleen O'Leary Morgan, Scott Morgan and Neal Quitno (Eds). *State Rankings, 1996: A Statistical View of the 50 United States.* Lawrence, KS: Morgan Quitno Press, 1996, Tables 136 and 304.

    U.S. Dept. of Commerce. *Statistical Abstract of the United States 1995, 115th Edition*, Table 533, p. 345.

23. Fuhrman and Elmore, p. 28.

24. CPRE, *Public Policy and School Reform: A Research Summary*, p. 7.

25. ECS, p. 32.

Appendix A

List of Interviewees

California

Peter Birdstall, staff, Education Coalition
Louis Bucher, County Superintendent, Humboldt County School District
Davis Campbell, executive director, California School Boards Association
Dan Condron, public affairs manager, Hewlett Packard
Maureen DiMarco, secretary, Office of Child Development and Education
Delaine Eastin, superintendent of public instruction
Leroy Green, chairman, Senate Education Committee
Tom Guigni, executive director, Association of California School Administrators
Gary Hart, director, Institute for Education Reform
Beverly Lamb, parent
Mike Roos, president and CEO, LEARN
Ray Reinhard, deputy director, Office of Child Development and Education
Sunny Vasquez-McMullen, assistant principal, Loma Vista Avenue Elementary School
Elaine Wiener, teacher, Garden Grove Unified School District

Colorado

Norma Anderson, chairwoman, House Education Committee
Richard Ballantine, publisher, *Durango Herald*
Wayne Carle, superintendent, Jefferson County Public Schools
Evie Hudak, public policy director, Colorado PTA
Deborah Lynch, education advisor, Office of the Governor
Randy Quinn, executive director, Colorado School Boards Association
William Randall, commissioner of education
Mark Stine, principal, Rangeview High School
Liza Toner, teacher, Montview Elementary School
Tim Waters, president and CEO, Mid-continent Regional Educational Laboratory, Inc.

Massachusetts

Robert Antonucci, commissioner of education
Ted Constan, chief of staff, Senate President's Office
Peter Finn, executive director, Massachusetts Association of School Superintendents
Nadya Higgins, executive director, Massachusetts Elementary School Principals Association
Kathy Kelly, president, Massachusetts American Federation of Teachers
Peter Negronia, superintendent, Springfield
Mark O'Connell, executive director, Massachusetts Association of School Committeees
Jack Rennie, president and CEO, Pacer Systems
Peter Reville, director, Alliance for Education
Michael Sentance, education policy advisor to the governor
Sarah Swiger, parent

West Virginia

Dan Curry, county superintendent, Wood County
Tom Lange, teacher, Shepardstown
Karen Lukens, League of Women Voters
Henry Marockie, state superintendent of schools
David Mohr, senior program analyst for the secretary of education
Stella Moon, parent
Roman Preziozo, chairman, House Education Committee
Fred Radabaugh, executive secretary, West Virginia Association of School Executives
John Swarr, former principal, Title I, Wood County

Appendix B

Interview Guide — Pursuing Flexibility

A. INTRODUCTION

Hello. My name is _____ from the Education Commission of the States in Denver. (If respondent is not an ECS constituent, include the next sentence). ECS is an education policy resource for state legislators and governors and others interested in improving public education in America.

Your name was recommended to us by an ECS constituent — most likely someone in the governor's office, legislature or state department of education — because you are known as a person knowledgeable about _____'s(state) education system and efforts to improve it.

The focus of our current work is state-level policy efforts to give schools greater flexibility to respond to changing environments within a framework of goals and expectations. Specifically, we are doing three things: (1) analyzing current statutes to see how state legislatures have provided flexibility to local schools; (2) conducting interviews to learn what worked, what didn't and what needs to happen now; and (3) synthesizing the experience of several states into practical tips on what works and what doesn't when promoting local flexibility.

Your comments will not be directly attributed to you but, with your permission, we would like to identify you in our list of interviewees. Is that ok?

Do you have any questions before we begin?

B. QUESTIONS

1. **CONTEXT.** First, I know that _____(state) has implemented a number of changes in the education system over the past several years. What would you consider to be the two or three most important changes for increasing student achievement?

   (Insert state specific notes on major changes for interviewer's reference)

   1.a. Prior to these changes, would you have described _____(state) as a local control state or a highly regulated state?

   1.b. From your perspective, what has been the state's (governor/legislature/SDE) primary intentions in launching these changes?

   Probe, if necessary, to learn respondent's perspective re: impact on local control, connection to improved student learning, impact on school funding

   1.c. Has the balance of power between state authority and local authority shifted because of these changes? In what ways?

Probe, if necessary, to learn impact on district, school, student.

1.d. Is there any evidence available which documents the impact on student achievement resulting from these changes?

Probe, if necessary, to learn about evaluations, consultants' reports, university studies or the like.

If yes, how can we obtain copies?

2. **SPECIFIC APPROACHES TO FLEXIBILITY.** I'm aware that _____(state) has in place several policies designed to encourage local decisionmaking, for example: (fill in for each state — include whether policy is mandatory or voluntary at local level).

2.a. In general, have these policies been effective? Why? Why not?

Probe, if necessary, to learn if training or skills development has been instrumental in wide usage or, if not available, a barrier to usage.

Probe, if necessary, to make sure we understand for whom the policies have been effective/not effective — central district administration, schools, teachers, students, parents. **Also probe for** impact of voluntary/mandatory approach.

2.b. Are there fiscal or other incentives which promote local decisionmaking?

2.c. If your goal was providing local decisionmakers with greater flexibility, how would you improve or change the options currently available? Whom would you target — school boards, superintendents, principals, teachers, parents, students?

3. **DECISIONMAKING AUTHORITY AND ACCOUNTABILITY.** Let's move on now to who makes the key decisions that affect the **classroom**. Which of the following decisions are made at the school building level: budget (preparation, approval, management), hiring and evaluation of teachers, determining length of day and year, daily schedule, setting the curriculum?

3.a. (If not clear from answer to 3.a.) In _____ (state), do local school boards currently have the authority to shift district decisions on budgeting, hiring, expenditures to the building level?

3.b. Do you feel that classroom teachers, building principals, and district boards and administration are properly held accountable for student achievement at present?

- If no, what would you do to improve accountability?
- If yes, what accountability measures led to your satisfaction?

3.c. Other observers have voiced concerns about equitable learning opportunities for all children within a system that promotes local control and diversity. Do you share this concern? If so, how would you address it from a policy perspective?

3.d. IF TIME ALLOWS. Some people want to see local schools negotiate performance contracts with the district board which would specify a clearly defined instructional program supported by a specific amount of public funds and specifying measurable student achievement outcomes. How would you react to such a proposal?

4. TENTATIVE CONCLUSION. I take it from your comments so far that you (do)(do not) consider _____(state) to be a state which provides considerable decisionmaking authority to local leaders. Is that correct?

4.a. Do you see a need to alter this situation? If yes, in what direction and to what degree?

4.b. Before I ask my last set of questions, is there anything else that you would like to add about the strengths or weaknesses of _____'s(state) current balance between state efforts to ensure a quality education system and local decisionmaking authority?

5. WRAP-UP. You've experienced a number of policy changes recently. Looking back over this experience, what advice would you give to someone in another state just beginning to think about these issues? I might call these "tips for success" or "pitfalls to avoid."

5.a. Finally, in your own state, how do you see this delicate balancing act between state policy and local decisionmaking playing out?

5.b. Are there any other comments you would like to make?

5.c. Do you have any questions about our project?

6. THANK YOU! I really appreciate your taking the time to share your experiences with us. Would you like to have a copy of the report when it is completed this fall?

- If yes, get mailing address.

Appendix C

Exemplary Statutory Language

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INTRODUCTION

A review of state statutes indicates that many states are implementing statutes designed to make comprehensive improvements to their public education systems. Some states have included opportunities for students, parents, schools and districts to make decisions about how to achieve desired outcomes within a broad state framework of performance expectations.

The basic foundation of a comprehensive system is standards. Forty-eight states and the District of Columbia have, or are developing, some form of statewide standards which include content standards and/or accreditation standards. Curriculum frameworks are mandated at the state level in 23 states and in the District of Columbia.

A state assessment system is part of the education system in 44 states and the District of Columbia. Local districts also may have their own assessment system which supplements or exceeds state requirements. Many states have tied assessments to an accountability system that may include incentives and sanctions. Twenty states and the District of Columbia have, or are developing, an incentive system for exemplary performance. One additional state's statutes outline an incentive program, but the state has not provided the necessary funding. Twenty-nine states and the District of Columbia have a process for interventing in schools and districts that do not perform at the minimal acceptable level.

States have provided a variety of avenues for supporting local and individual decisionmaking within the overall framework of their education systems. Thirty-eight states and the District of Columbia allow students opportunities to enroll in the public school of their choice either within or outside their district of residence through mandatory or voluntary programs of open enrollment. Students also have the option of attending a charter school in 24 states and the District of Columbia. Puerto Rico currently has the only state-level voucher program in operation.

Various forms of site-based management are included in statutes of 41 states and the District of Columbia as a means of involving parents, educators and the community in local decisionmaking.

Examples

Examples of exemplary statutory language follow. These examples were selected to demonstrate the various avenues states have used to initiate improvement strategies. Other states have equally good language but were not included here for space reasons.

ACCOUNTABILITY

Colorado

Colorado statutes provide for local accountability programs.

[Colo. Rev. Stat. § 22-7-104 (1995)]

(1) The board of education of each school district in the state shall adopt a plan for a local accountability program designed to measure the adequacy and efficiency of educational programs offered by the district. The board shall appoint an advisory accountability committee which shall make recommendations to the board relative to the program of accountability, but it shall be the responsibility of the board to implement the provisions of this section. The areas of study by the district accountability committee and other appropriate accountability committees shall be cooperatively determined at least annually by the committee and the board of education. The advisory accountability committee shall consist of at least one parent, one teacher, one school administrator and a taxpayer from the district.

(2) The board of education of each district shall report not later than December 31 of each year to the residents of the district, and to the state board of education, on the extent to which the district has achieved its stated goals and objectives. The report shall also contain an evaluation of educational decisions made during the previous year which have affected school services and processes.

(3) The state board of education shall assist local boards of education in the preparation of the district goals and objectives and the procedures for measuring school district performance in reaching those goals and objectives.

Oregon

Oregon's accountability report card is designed to monitor trends in the state's education system and to highlight exemplary programs.

[Or. Rev. Stat. § 329.115 (1995)]

(1) Prior to September 30 of each year, the superintendent of public instruction shall issue an Oregon Report Card on the state of the public schools and progress toward achieving the goals contained in ORS 329.025 and 329.035.

(2) The purpose of the Oregon Report Card is to monitor trends among school districts and Oregon's progress toward achieving the goals stated in this chapter. The report on the state of the public schools shall be designed to:

(a) Allow educators and local citizens to determine and share successful and unsuccessful school programs;

(b) Allow educators to sustain support for reforms demonstrated to be successful;

(c) Recognize schools for their progress and achievements; and

(d) Facilitate the use of educational resources and innovations in the most effective manner.

(3) The report shall contain, but need not be limited to:

(a) Demographic information on public school children in this state.

(b) Information pertaining to student achievement, including statewide assessment data, graduation rates and dropout rates, including progress toward achieving the education benchmarks established by the Oregon Progress Board, with arrangements by minority groupings where applicable.

(c) Information pertaining to special program offerings.

(d) Information pertaining to the characteristics of the school and school staff, including assignment of teachers, experience of staff, and the proportion of minorities and women represented on the teaching and administrative staff.

(e) Budget information, including source and disposition of school district operating funds and salary data.

(f) Examples of exemplary programs, proven practices, programs designed to reduce costs or other innovations in education being developed by school districts in this state that show improved student learning.

(g) Such other information as the superintendent obtains under ORS 329.105.

(4) In the second and subsequent years that the report is issued, the report shall include a comparison between the current and previous data and an analysis of trends in public education.

ASSESSMENTS

Colorado

Colorado statutes require a statewide assessment program and a district assessment program.

[Colo. Rev. Stat. § 22-53-405 (1995)]

(2) Following adoption of the state model content standards by the board pursuant to section 22-53-406 (1), the council [Standards and Assessment Development and Implementation (SADI)] shall develop and recommend to the board state assessments that are aligned with the state model content standards and that, following adoption by the board, shall be administered statewide by the department at the 4th grade, 8th grade and 11th-grade levels pursuant to the provisions of section 22-53-409. The council shall also recommend an acceptable performance level on each such state assessment. Such performance level shall be continuously reexamined.

[Colo. Rev. Stat. § 22-53-407 (1995)]

(2) Following adoption of content standards pursuant to this section, the district shall develop a plan for:

(a) ....

(b) Developing assessments which will adequately measure each student's progress toward and achievement of the adopted content standards, including specification of an acceptable performance level. Such performance level shall be continuously reexamined.

(c) Administering assessments developed pursuant to paragraph (b) of this subsection (2) to students at the 4th, 8th and 11th-grade levels and, at the district's discretion, at other grade levels;

(d) ....;

(e) ....

[Colo. Rev. Stat. § 22-53-409 (1995)]

(1)(a) Effective September 1, 1996, the department shall implement a Colorado student assessment program under which it shall administer statewide assessments, adopted by the board pursuant to section 22-53-406, in the first priority areas of reading, writing, mathematics, science, history and geography on a stratified, random sampling basis to provide accurate and detailed information to the people of Colorado on student academic achievement and to corroborate the quality of the results provided by district assessments. Following the adoption of state model content standards in the second priority areas of art, music, physical education, foreign languages, economics and civics, such areas shall be included in the Colorado student assessment program. Such statewide assessments shall be administered in grades 4, 8 and 11. The timetable for administering such assessments shall be established by the board in accordance with the provisions of section 22-53-406 (2). The initial statewide assessment shall be considered a baseline assessment.

(b) ....

(2) Participation in the Colorado student assessment program shall be required of all schools selected for statewide samples. Every school shall participate in the Colorado student assessment program at least once every three years to provide corroboration of state and district assessment results.

(3) ... not later than January 1, 1998, each district shall administer assessments adopted pursuant to the district plan required under section 22-53-407 (2). ....

(4) ....

Missouri

In Missouri, state statutes provide for flexibility in the statewide assessment system.

[Mo. Ann. Stat. § 160.518 (West 1997)]

(1) ...the state board of education shall develop a statewide assessment system that provides maximum flexibility for local school districts to determine the degree to which students in the public schools of the state are proficient in the knowledge, skills and competencies adopted by such board pursuant to subsection 1 of section 160.514. The statewide assessment system shall assess problem solving, analytical ability, evaluation, creativity and application ability in the different content areas and shall be performance-based to identify what students know, as well as what they are able to do, and shall enable teachers to evaluate actual academic performance. ....

CHARTER SCHOOLS

The Colorado Legislature outlined the intent of charter schools in statute.

[Colo. Rev. Stat. § 22-30.5-102 (1995)]

(1) The general assembly hereby finds and declares that:

(a) It is the obligation of all Coloradans to provide all children with schools that reflect high expectations and create conditions in all schools where the expectations can be met;

(b) Education reform is in the best interests of the state in order to strengthen the performance of elementary and secondary public school pupils, that the best education decisions are made by those who know the students best and who are responsible for implementing the decisions, and, therefore, that educators and parents have a right and a responsibility to participate in the education institutions which serve them;

(c) Different pupils learn differently and public school programs should be designed to fit the needs of individual pupils and that there are educators, citizens and parents in Colorado who are willing and able to offer innovative programs, educational techniques and environments, but who lack a channel through which they can direct their innovative efforts.

(2) The general assembly further finds and declares that this article is enacted for the following purposes:

(a) To improve pupil learning by creating schools with high, rigorous standards for pupil performance;

(b) To increase learning opportunities for all pupils, with special emphasis on expanding learning experiences for pupils who are identified as academically low-achieving;

(c) To encourage diverse approaches to learning and education and the use of different and innovative teaching methods;

(d) To allow the development of different and innovative forms of measuring pupil learning and achievement;

(e) To create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site;

(f) To provide parents and pupils with expanded choices in the types of education opportunities that are available within the public school system;

(g) To encourage parental and community involvement with public schools;

(g.5) To address the formation of charter schools;

(h) To hold charter schools accountable for meeting state board and school district contents standards and to provide such schools with a method to change accountability systems.

(3) In authorizing charter schools, it is the intent of the general assembly to create a legitimate avenue for parents, teachers and community members to take responsible risks and create new, innovative and more flexible ways of educating all children within the public school system. The general assembly seeks to create an atmosphere in Colorado's public school system where research and development in developing different learning opportunities is actively pursued. As such, the provisions of this article should be interpreted liberally to support the findings and goals of this section and to advance a renewed commitment by the state of Colorado to the mission, goals and diversity of public education.

Massachusetts

Charter schools in Massachusetts also provide options for students, educators and others to explore innovative educational methods and alternative management styles.

[Mass. Gen. Laws Ann. ch. 71, § 89 (West 1996)]

A charter school shall be a public school, operating under a charter granted by the secretary of education, which operates independently of any school committee and is managed by a board of trustees. The board of trustees of a charter school, upon receiving a charter from the secretary of education, shall be deemed to be public agents authorized by the commonwealth to supervise and control the charter school.

The purposes for establishing charter schools are: (1) to stimulate the development of innovative programs within public education; (2) to provide opportunities for innovative learning and assessments; (3) to provide parents and students with greater options in choosing schools within and outside their school districts; (4) to provide teachers with a vehicle for establishing schools with alternative, innovative methods of educational instruction and school structure and management; (5) to encourage performance-based educational programs; and (6) to hold teachers and school administrators accountable for students' educational outcomes. ....

CURRICULUM FRAMEWORKS

California

According to California statute, state level educators develop model curriculum standards but do not mandate course content or methods of instruction; such decisions are made at the local level.

[Cal. Educ. Code § 51226 (West 1997)]

The superintendent of public instruction shall coordinate the development, on a cyclical basis, of model curriculum standards for the course of study required by Section 51225.3 and for a vocational education course of study necessary to assist school districts with complying with subdivision (b) of Section 51228. The superintendent shall set forth these standards in terms of a wide range of specific competencies, including higher-level skills, in each academic subject area. The superintendent shall review currently available textbooks in conjunction with the curriculum standards. The superintendent shall seek the advice of classroom teachers, school administrators, parents, postsecondary educators, and representatives of business and industry in developing these curriculum standards. The superintendent shall recommend policies to the state board of education for consideration and adoption by the board. The state board of education shall adopt these policies no later than January 1, 1985. However, neither the superintendent nor the board shall adopt rules or regulations for course content or methods of instruction. ....

Massachusetts

Curriculum frameworks in Massachusetts are to be designed through an inclusive process.

[Mass. Gen. Laws Ann. ch. 69, § 1E (West 1996)]

The board shall direct the commissioner to institute a process for drawing up curriculum frameworks for the core subjects covered by the academic standards provided in section one D. The curriculum frameworks shall present broad pedagogical approaches and strategies for assisting students in the development of the skills, competencies and knowledge called for by these standards. The process for drawing up and revising the frameworks shall be open and consultative, and may include but need not be limited to classroom teachers, parents, faculty of schools of education, and leading college and university figures in both subject-matter disciplines and pedagogy. In drawing up curriculum frameworks, those involved shall look to curriculum frameworks, model curricula, content standards, attainment targets, courses of study and instruction materials in existence or in the process of being developed in the United States and throughout the world, and shall actively explore collaborative development efforts with other projects, including but not limited to the national New Standards Project.

The curriculum frameworks shall provide sufficient detail to guide and inform processes for the education, professional development, certification and evaluation of both active and aspiring teachers. They shall provide sufficient detail to guide the promulgation of student assessment instruments. They shall be constructed to guide and assist teachers, administrators, publishers, software developers and other interested parties in the development and selection of curricula, textbooks, technology and other instructional materials, and in the design of pedagogical approaches and techniques for early childhood programs and elementary, secondary and vocational-technical schools. The board may review and recommend instructional materials which it judges to be compatible with the curriculum frameworks. ....

INCENTIVES

Indiana

Indiana sponsors a performance-based award and incentive program.

[Ind. Code Ann. § 20-1-1.3-3 (Michie 1997)]

The board shall implement the performance-based award and incentive program to recognize and reward schools that have exhibited relative improvement toward the performance benchmarks determined to be appropriate for the school by the superintendent and board, including the following benchmarks:

(1) Graduation rate.

(2) Attendance rate.

(3) ISTEP scores under the ISTEP program or a locally adopted assessment program used by a freeway school, including the number and percentage of students:

(A) meeting an advanced standard; or

(B) meeting a pr[illegible]cient standard.

(4) Actual class size.

(5) The number and percentage of students in the following groups or programs:

(A) At risk.

(B) Vocational education.

(C) Special education.

(D) Gifted or talented.

(E) Remediation/preventative remediation.

(F) Technology preparation.

(6) Advanced placement, including the following:

(A) For advanced placement tests, the number and percentage of students:

(i) scoring three (3), four (4), and (5); or

(ii) participating.

(B) For the Scholastic Aptitude Test, the number and percentage students:

(i) above a designated proficient score;

(ii) above a designated advanced score; or

(iii) participating.

(7) Course completion, including the number and percentage of students completing the following programs:

(A) Academic honors diploma.

(B) Core 40 curriculum.

(C) Vocational programs.

(8) The percentage of graduates who pursue higher education.

(9) School safety, including the number and percentage of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons.

(10) Financial information relevant to performance.

[Ind. Code Ann. § 20-1-1.3-8 (Michie 1997)]

(a) A public school that receives a monetary award under this chapter may expend that award for any educational purpose for that school, except:

(1) Athletics;

(2) Salaries for school personnel; or

(3) Salary bonuses for school personnel.

(b) A monetary award may not be used to determine:

(1) The maximum permissible general fund ad valorem property tax levy under IC 6-1.1-19-1.5; or

(2) The tuition support under IC 21-3-1.6; of the school corporation of which the school receiving the monetary award is a part.

Indiana also established performance awards programs for educators.

[Ind. Code Ann. § 20-3.1-12-1 (Michie 1997)]

(a) ... beginning with the 1996-1997 school year, the board shall establish a written performance awards program applicable to each school to provide performance awards under this chapter for outstanding and extraordinary performance by educators in each school.

(b) The board shall reserve in the school city general fund budget for each school year an amount considered appropriate by the board to fund the performance awards program.

[Ind. Code Ann. § 20-3.1-12-2 (Michie 1997)]

The performance awards program is effective in a school year for educators in a school only if the board determines that the school has excelled during that school year as measured by the performance objectives for the school established under IC 20-3.1-8.

[Ind. Code Ann. § 20-3.1-12-3 (Michie 1997)]

Each school's performance awards program for educators must include, at a minimum, the following general types of objective criteria for evaluating outstanding and extraordinary performance:

(1) Student performance levels and increases in student performance levels on applicable standardized tests, including assessment tests.

(2) Remediation rates and decreases in remediation rates.50

(3) Student attendance rates.

(4) Teacher attendance rates.

(5) Extraordinary levels of parental involvement in classroom and extracurricular activities, and development of successful parental involvement programs including classroom assistance by parents, extracurricular activities, regular parent and teacher communications, and homework monitoring.

(6) For high schools, graduation rates.

(7) Other extraordinary teacher or administrator performance criteria considered appropriate by the board.

[Ind. Code Ann. § 20-3.1-12-4 (Michie 1997)]

A performance awards payment to an educator in a single year may not exceed eight percent (8%) of that educator's regular salary or wages for that school year.

[Ind. Code Ann. § 20-3.1-12-5 (Michie 1997)]

This chapter does not require the board to establish uniform performance awards programs for each school.

[Ind. Code Ann. § 20-3.1-12-6 (Michie 1997)]

Performance awards are not under any circumstances part of an educator's:

(1) Regular pay or base pay;

(2) Salary or wages; or

(3) Salary and wages related fringe benefits.

[Ind. Code Ann. § 20-3.1-12-7 (Michie 1997)]

Performance awards pay and performance awards programs established under this chapter:

(1) ...

(2) May not be subject to collective bargaining or discussion....

West Virginia

West Virginia's statutes also include a provision for "school of excellence awards."

[W. Va. Code § 18-5A-4 (1996)]

The state board of education shall promulgate rules, in accordance with the provisions of article three-b [§ 29A-3B-1 et seq.], chapter 29-a of this code, outlining criteria for the identification of schools of excellence. Such criteria shall include, but not be limited to, improvement in student achievement in comparison to state and national norms, improvement in reducing dropout rates, improvement in standardized test scores, implementation of advanced or innovative programs, implementation of the goals and purposes of jobs through education as provided in section eight [§ 18-2E-8], article two-e of this chapter, improvement in parent and community involvement, improvement in parent, teacher and student satisfaction, improvement in student attendance and other factors which promote excellence in education. Such rules shall be promulgated by the first day of January 1991. Such rules may not prohibit any school from applying for consideration as a school of excellence.

Each year, the state board shall select one high school, one middle or junior high school and one elementary school within each regional educational service agency district, and one vocational school selected on a statewide basis to be awarded school of excellence status.

The rules promulgated by the state board shall outline appropriate methods of recognizing and honoring the students, teachers and other employees and parents, or members of the school community who have contributed to excellence at the school.

LOCAL DECISIONMAKING OR SITE-BASED MANAGEMENT

Massachusetts

Massachusetts statutes provide opportunities to influence local decisionmaking through student advisory committees and school councils.

Student Advisory Committees

[Mass. Gen. Laws Ann. ch. 71, § 38M (West 1996)]

School committees of cities, towns and regional school districts shall meet at least once every other month, during the months school is in session, with a student advisory committee to consist of five members to be composed of students elected by the student body of the high school or high schools in each city, town or regional school district.

The members of such student advisory committees shall, by majority vote prior to the first day of June in each year elect from their number a chairperson who shall serve for a term of one year. Said chairperson shall be an ex-officio, nonvoting member of the school committee, without the right to attend executive sessions unless such right is expressly granted by the individual school committee. Said chairperson shall be subject to all school committee rules and regulations and shall serve without compensation.

School Councils

[Mass. Gen. Laws Ann. ch. 71, § 59C (West 1996)]

At each public elementary, secondary and independent vocational school in the commonwealth, there shall be a school council consisting of the school principal, who shall co-chair the council; parents of students attending the school who shall be selected by parents of students attending such school who will be chosen by elections held by the local recognized parent teacher organization under the direction of the principal, or if none exists, chosen by a representative process approved by the school committee. Said parents shall have parity with professional personnel on the school councils; teachers who shall be selected by the teachers in such school; other persons, not parents or teachers of students at the school, drawn from such groups or entities as municipal government, business and labor organizations, institutions of higher education, human services agencies or other interested groups including those from school-age child care programs; and for schools containing any of the grades 9 to 12, at least one such student; provided, however, that not more than 50% of the council shall be non-school members. ....

The principal of each school, in consultation with the school council established ... shall adopt educational goals for the schools consistent with the goals and standards including student performance standards, adopted by the board ... and consistent with any educational policies established for the district, shall assess the needs of the school in light of those goals, and shall formulate a school improvement plan to advance such goals, to address such needs and to improve student performance. .... Each school improvement plan shall be submitted to the school committee for review and approval every year. If said school improvement plan is not reviewed by the school committee within 30 days of said school committee receiving said school improvement plan, the plan shall be deemed to have been approved.

Nothing contained in this section shall prevent the school committee from granting a school council additional authority in the area of educational policy....

West Virginia

Teacher participation in decisionmaking is facilitated in West Virginia through faculty senates.

[W. Va. Code § 18-5A-5 (1996)]

(a) There is established at every public school in this state a faculty senate which shall be comprised of all permanent, full-time professional educators employed at the school who shall all be voting members. ....

(b) In addition to any other powers and duties conferred by law, or authorized by policies adopted by the state or county board of educators or bylaws which may be adopted by the faculty senate not inconsistent with law, the powers and duties listed in this subsection are specifically reserved for the faculty senate. The intent of these provisions is neither to restrict nor to require the activities of every faculty senate to the enumerated items except as otherwise stated. Each faculty senate shall organize its activities as it deems most effective and efficient based on school size, departmental structure and other relevant factors.

(1) Each faculty senate shall control funds allocated to the school from legislative appropriations.... From such funds, each classroom teacher and librarian shall be allotted $50 for expenditure during the instructional year for academic materials, supplies or equipment which in the judgment of the teacher or librarian will assist him or her in providing instruction in his or her assigned academic subjects, or shall be returned to the faculty senate. ....

(2) A faculty senate may establish a process for faculty members to interview new prospective professional educators and paraprofessional employees at the school and submit recommendations regarding employment to the principal, who may make independent recommendations, for submission to the county superintendent: Provided, That such process must permit the timely employment of persons to perform necessary duties.

(3) A faculty senate may nominate teachers for recognition as outstanding teachers under state and local teacher recognition programs and other personnel at the school, including parents, for recognition under other appropriate recognition programs and may establish such programs for operation at the school.

(4) A faculty senate may submit recommendations to the principal regarding the assignment scheduling of secretaries, clerks, aides and paraprofessionals at the school.

(5) A faculty senate may submit recommendations to the principal regarding establishment of the master curriculum schedule for the next ensuing school year.

(6) A faculty senate may establish a process for the review and comment on sabbatical leave requests submitted by employees at the school....

(7) Each faculty senate shall elect three faculty representatives to the local school improvement council....

(8) Each faculty senate may nominate a member for election to the county staff development council....

(9) Each faculty senate shall have an opportunity to make recommendations on the selection of faculty to serve as mentors for beginning teachers under beginning teacher internship programs at the school.

(10) A faculty senate may solicit, accept and expend any grants, gifts, bequests, donations and any other funds made available to the faculty senate: Provided that the faculty senate shall select a member who shall have the duty of maintaining a record of all funds received and expended by the faculty senate, which record shall be kept in the school office and shall be subject to normal auditing procedures.

(11) ... any faculty senate may review the evaluation procedure as conducted in their school to ascertain whether such evaluations were conducted in accordance with the written system required ... and the general intent of this legislature regarding meaningful performance evaluation of school personnel. If a majority of members of the faculty senate determine that such evaluations were not so conducted, they shall submit a report in writing to the state board of education: Provided that nothing herein shall create any new right of access to or review of any individual's evaluations.

(12) Each faculty senate shall be provided by its local board of education at least a two-hour per month block of noninstructional time within the school day: Provided, that any such designated day shall constitute a full instructional day. This time may be utilized and determined at the local school level and shall include, but not be limited to, faculty senate meetings.

(13) Each faculty senate shall develop a strategic plan to manage the integration of special- needs students into the regular classroom at their respective schools and submit said strategic plan to the superintendent of the county board of education.... Each faculty senate shall encourage the participation of local school improvement councils, parents and the community at large in the development of the strategic plan for each school.

Each strategic plan developed by the faculty senate shall include at least: (A) A mission statement; (B) goals; (C) needs; (D) objectives and activities to implement plans relating to each goal; (E) work in progress to implement the strategic plan; (F) guidelines for the placement of additional staff into integrated classrooms to meet the needs of exceptional-needs students without diminishing the services rendered to the other students in integrated classrooms; (G) guidelines for implementation of collaborative planning and instruction; and (H) training for all classroom teachers who serve students with exceptional needs in integrated classrooms.

OPEN ENROLLMENT

California

California statute allows school districts to determine provisions of interdistrict school enrollment for students.

[Cal. Educ. Code § 46600 (West 1997)]

(a) The governing boards of the two or more school districts may enter into an agreement, for a term not to exceed five school years, for the interdistrict attendance of pupils who are residents of the districts. The agreement may provide for the admission to a district other than the district of residence of a pupil who requests a permit to attend a school district that is a party to the agreement and that maintains schools and classes in kindergarten or any of grades 1 to 12, inclusive, to which the pupil requests admission.

The agreement shall stipulate the terms and conditions under which interdistrict attendance shall be permitted or denied.

The supervisor of attendance of the district of residence shall issue an individual permit verifying the district's approval, pursuant to policies of the board and terms of the agreement, for the transfer and for the applicable period of time. A permit shall be valid upon concurring endorsement by the designee of the governing board of the district of proposed attendance. The stipulation of the terms and conditions under which the permit may be revoked is the responsibility of the district of attendance.

(b) ... any district may admit a pupil expelled from another district in which the pupils continues to reside.

Massachusetts

In Massachusetts, students and parents have the opportunity to select individual education alternatives through open enrollment.

[Mass. Gen. Laws Ann. ch. 76, § 12B (West 1996)]

(4) (h) There shall be a parent information system established, maintained and developed by the board of education to disseminate to parents detailed and comparable information about each school system participating in the school choice program, so-called, which shall include, but not be limited to, information on special programs offered by the school, philosophy of the school, number of spaces available, transportation plans, class sizes, teacher/student ratios, and data and information on school performance that indicate its quality. Said information shall include the school profiles.... The board may include information regarding regional choice initiatives as deemed appropriate. The system shall have as its primary goal to ensure that all parents have an equal opportunity to participate in the program of interdistrict choice. The board of education, when disseminating this information shall encourage the parent and student to make at least one visit to the school of choice as part of the application procedure.

SANCTIONS

Georgia

Georgia statutes outline corrective plans for nonstandard schools.

[Ga. Code Ann. § 20-2-283 (1996)]

(a) Each local unit of administration which is designated to be nonstandard or which operates one or more public schools so designed shall be required to submit to the State Board of Education for its approval a corrective plan designed to address all deficiencies identified pursuant to Code Section 20-2-282. Such a corrective plan shall include a description of the actions to be taken to correct each deficiency, a designation of the resources which will be applied to these actions, the date on which each action shall be initiated and completed, the evaluation procedures to be used to assess progress, the technical assistance needed to execute the corrective plan and anticipated sources of such assistance, and such other items deemed necessary by the state board for an effective corrective plan. It shall be the duty of regional educational service agencies to supply member local school systems and the Department of Education to supply to all local units of administration such technical assistance that they may need and request concerning the development and implementation of these corrective plans.

(b) The State Board of Education shall review at least once every six months the progress of each nonstandard local unit of administration in implementing its state board approved corrective plan. Such a review shall continue until the corrective plan has been fully implemented or the local unit has been redesignated by the state board as a standard or exemplary unit.

(c) The State Board of Education shall conduct a comprehensive evaluation pursuant to Code Section 20-2-282 of each local unit of administration which is designated by the state board as nonstandard. This evaluation shall be conducted within two years after the state board has approved its corrective plan.

(d) In the event the State Board of Education finds that any local unit of administration is making unsatisfactory progress relative to development or implementation of a corrective plan pursuant to this Code section, the state board shall be authorized to take one or a combination of the following actions:

(1) Increase the local fair share of a local school system pursuant to Code Section 20-2-164 or the local share of a regional educational service agency pursuant to Code Section 20-2-274 by the amount deemed necessary by the state board to finance all resources and actions needed to correct identified deficiencies. Such amount of increased local funds shall be offset by a decrease in state funds in the same amount;

(2) Require that a local unit of administration raise from local revenue sources an amount deemed necessary by the state board to finance all resources and actions needed to correct identified deficiencies. Such an amount of local revenue shall be in excess of any local funds required to be raised by the local unit of administration under other provisions of this article. If such additional local revenue is not raised by the local unit of administration by a state board specified date, the state board shall have the authority to withhold state funds in accordance with Code Section 20-2-243; or

(3) File a civil action in the superior court of the county wherein a local school system or regional educational service agency office is located, requesting a determination of whether any member of the local board of education or the local school superintendent or any member of the regional educational service agency board of control or regional educational service agency director has by action or inaction prevented or delayed implementation of the corrective plan. If the court finds that any such official has prevented or delayed implementation intentionally, the court may issue an order requiring the official or officials to implement the corrective plan. The court shall have the power to appoint a trustee to ensure the order of the court is carried out. Any expenses or costs incurred by the trustee in carrying out duties assigned by the court shall be paid from funds otherwise used to pay for expenses incurred by board members. If the court finds that any such official is violating the order of the court, the court may remove the official and appoint a replacement until the vacancy can be filled as provided by law. The court shall have such powers as are necessary to carry out the provisions of this subsection.

West Virginia

West Virginia statutes include a school accreditation process that provides for interventions in non-performing schools.

[W. Va. Code § 18-2E-5 (1996]

(a) The purpose of this section is to provide assurances that a thorough and efficient system of education is being provided for all West Virginia public school students on an equal education opportunity basis and that the high quality standards are being met. A system for the review of school district education plans, performance-based accreditation and periodic, random, unannounced on-site effectiveness reviews of district education systems, including individual schools within districts, shall provide assurances that the high quality standards established in this section are being met.

(b) .... Each school district shall submit an annual improvement plan designed around locally identified needs showing how the education program of each school in the district will meet or exceed the high quality standards.

A performance-based accreditation system shall be the only statewide system used for accrediting or classifying the public schools in West Virginia. ....

(c) .... The state board annually shall review the information submitted for each school and shall issue to every school: (i) Full accreditation status; or (ii) probationary accreditation status. ....

Whenever a school is given probationary accreditation status, the county board shall implement an improvement plan which is designed to increase performance of the school to a full accreditation status level within one year.

(d) The state board shall establish and adopt standards of performance to identify seriously impaired schools, and the state board may declare a school seriously impaired whenever extraordinary circumstances exist as defined by the state board. Whenever the state board determines that the quality of education in a school is seriously impaired, the state superintendent, with the approval of the state board, shall appoint a team of three improvement consultants to make recommendations within 60 days of appointment for correction of the impairment. Upon the approval of the recommendations by the state board, the recommendations shall be made to the county board. If progress in correcting the impairment is not made within six months of receipt of the recommendations, the state superintendent shall provide consultation and assistance to the county board to: (1) Improve personnel management; (2) establish more efficient financial management practices; (3) improve instructional programs and rules; or (4) make such other improvements as may be necessary to correct the impairment. If the impairment is not corrected within one year of the receipt of the recommendations, the district shall be given probationary approval status or nonapproval status.

(e) Whenever a school is given probationary status or is determined to be seriously impaired and fails to improve its status within one year, any student attending such school may transfer once to the nearest fully accredited school, subject to approval of the fully accredited school and at the expense of the school from which the student transferred. ....

(f) ....

(g) Whenever nonapproval status is given to a county, the state board shall declare a state of emergency in the district and may intervene in the operation of the district to: (1) Limit the authority of the county superintendent and county board as to the expenditure of funds, the employment and dismissal of personnel, the establishment and operation of the school calendar, the establishment of instructional programs and rules, and such other areas as may be designated by the state board by rule; (2) take such direct action as may be necessary to correct the impairment; and (3) declare that the office of the county superintendent is vacant.

(h) ....

(i) ....

SCHOOL BOARDS AND SCHOOL COMMITTEES

Massachusetts

The Massachusetts statutes changed the role of the school committees (similar to district school boards) to focus on policymaking and move away from day-to-day management.

[Mass. Gen. Laws Ann. ch. 71, § 37 (West 1996)]

> The school committee in each city and town and each regional school district shall have the power to select and to terminate the superintendent, shall review and approve budgets for public education in the district, and shall establish educational goals and policies for the schools in the district consistent with the requirements of law and statewide goals and standards established by the board of education.

STANDARDS

Colorado

The Colorado Legislature established standards as the foundation of the state's education system, outlined the philosophy of standards in statute, created the Standards and Assessment Development and Implementation (SADI) Council within the state education department and charged it to develop and recommend state model content standands and assessments to the state board of education. Local districts are charged to develop their own standards and assessments which meet or exceed the state models.

[Colo. Rev. Stat. § 22-53-401 (1995)]

> The general assembly hereby finds and declares that, because children can learn at higher levels than are currently required of them, it is the obligation of the general assembly, the department of education, school districts, educators and parents to provide children with schools that reflect high expectations and create conditions where these expectations can be met. Through a shared sense of accountability and a cooperative spirit among state government, school districts, educators, parents, businesspersons and the community, school districts and educators can develop and teach to high standards which will enable students to achieve the highest level of knowledge and skills. The general assembly further declares that this system of standards-based education will serve as an anchor for education reform, with the focus of education including not just what teachers teach, but what students learn. In addition, standards-based education will advance equity, will promote assessment of student learning, and will reinforce accountability.
>
> The general assembly therefore charges school districts with the responsibility to develop content standards, programs of instruction, and assessments that reflect the highest possible expectations. The general assembly further declares that the ultimate goal of this part is to ensure that Colorado's schools have standards which will enable today's students of all cultural backgrounds to compete in a world economy in the 21st century.

Massachusetts

In Massachusetts, the state board of education is required to establish education goals, and the commissioner of education is responsible for developing academic standards.

[Mass. Gen. Laws Ann. ch. 69, § 1D (West 1996)]

> The board shall establish a set of statewide educational goals for all elementary and secondary schools in the commonwealth.

The board shall direct the commissioner to institute a process to develop academic standards for the core subjects of mathematics, science and technology, history and social science, English, foreign languages and the arts. The standards shall cover grades kindergarten through 12 and shall clearly set forth the skills, competencies and knowledge expected to be possessed by all students at the conclusion of individual grades or clusters of grades. The standards shall be formulated so as to set high expectations of student performance and to provide clear and specific examples that embody and reflect these high expectations, and shall be constructed with due regard to the work and recommendations of national organizations, to the best of similar efforts in other states, and to the level of skills, competencies and knowledge possessed by typical students in the most educationally advanced nations. The skills, competencies and knowledge set forth in the standards shall be expressed in terms which lend themselves to objective measurement, define the performance outcomes expected of both students directly entering the workforce and of students pursuing higher education, and facilitate comparisons with students of other states and other nations. ....

VOUCHERS

Puerto Rico passed legislation enacting a voucher program known as the "Special Scholarship and Free Selection of Schools Program Act" in 1993 (S.B. 399, No. 71, approved September 3, 1993). This legislation was challenged in the court case of *Asociación de Maestros de Puerto Rico v. José Arsenio Torres* (94 J.T.S. 145). The Supreme Court of Puerto Rico ruled, in its opinion of November 30, 1994, that a section of the law violated Puerto Rico's constitutional provision that no public funds or property could be used to support schools or education institutions that are not state owned. The 1995 legislature amended the act (S.B. 1142, No. 80 and S.B. 1143, No. 81, approved July 19, 1995) to comply with the court decision.

[S.B. 1142, No. 80, Approved July 19, 1995]

Statement of Motives

The public policy of the Commonwealth of Puerto Rico is to provide equal opportunities for our families so they may obtain a high quality education for their children and to establish alternatives, methods and resources to promote and develop educational excellence among our children and youth. To the degree that we are able to provide our students with the tools necessary to achieve their educational goals, so will we be able to fulfill a solemn and unavoidable commitment. Thus shall we contribute in helping all students to achieve their maximum potential and to face the present day world and the challenges of a new century.

This act also promotes citizen awareness as to the value of education and the direct participation of the citizenry in social priority programs.

The search for alternatives to promote educational excellence in our children and youth is a continuous process. ....

.... This measure represents the fulfillment of our efforts to honor our commitment to insure justice with regard to equal opportunity and to maintain a constant search for more and better alternatives for the educational progress for our people. ....

[S.B. 1143. No. 81, Approved July 19, 1995]

Section 1 of Act No. 71 of September 3, 1993, is hereby amended to read as follows:

.... This Act shall be known as the "Educational Vouchers and Free Selection of Schools Act." ....

Section 3 of Act No. 71 of September 3, 1993, is hereby amended to read as follows:

.... An Educational Voucher and Free Selection of Schools Program is hereby created attached to the deputy secretary's Office of Student Services of the department....

Section 4 of Act No. 71 of September 3, 1993, is hereby amended to read as follows:

.... The main function of the office shall be to prepare the application documents for the aspirants to the three types of vouchers established in this act, specifying the qualifications pertinent to each. In the case the number of applicants for vouchers cannot be covered with the resources available, the office shall establish an objective and fair procedure to make the corresponding adjudges. The office shall be in charge of conducting the evaluations and follow-ups needed to ensure the effective measuring of the results of the three (3) modalities of the program. ....

Section 6 of Act No. 71 of September 3, 1993, is hereby amended to read as follows:

The program shall consist of three (3) types of educational vouchers;

(a) free selection of public schools by students from other public schools;

(b) free selection of public schools by students from private schools;

(c) educational advance for talented students who take university courses which can be credited to university programs as well as secondary school programs.

Section 7 of Act No. 71 of September 3, 1993, is hereby amended to read as follows:

The students from public or private schools who meet the requirements to be established in this act for each one of the types of educational vouchers shall be eligible for the benefits of this program. The program shall take effect from the 2nd grade on, and its benefits shall be granted at the beginning of each school year. ....

Section 8 of Act No. 71 of September 3, 1993, is hereby amended to read as follows:

The educational vouchers for the free selection of public schools shall consist of certificates to be presented by the student's parents at the selected schools. The certificate of credit granted to the public school shall be used by the school to enrich its educational offerings and to finance expenses related to the rendering of its services to the students. ....

Section 10 of Act No. 71 of September 3, 1993, is hereby amended to read as follows:

The educational advance for talented students who take courses ... shall be subject to availability of funds and to the compliance of the student with academic achievement requirements established by regulations, which in no case shall be different from those established for students who do not participate in the program. The educational advance shall not be subject to the requirement of an annual family income of eighteen thousand ($18,000) dollars.

Section 11 of Act No. 71 of September 3, 1993, is hereby amended to read as follows:

The educational institutions which participate in the Educational Voucher Program shall meet the following requirements:

(a) Be licensed or accredited by the recognized accrediting organization in Puerto Rico, with the exemption of public schools.

(b) Keep an admission policy free from discrimination on account of race, sex, color, social origin or condition, physical or mental impediments, political or religious beliefs.

(c) Comply with the health and safety legislation and regulations in effect in Puerto Rico applicable to educational institutions. ....

Section 16 of Act No. 71 of September 3, 1993, is hereby amended to read as follows:

The sum of ten million ($10,000,000) dollars consigned in the general budget of expenses of the Department of Education is hereby appropriated to the Educational Vouchers Program. The funds needed to defray the expenses for the implementation of this act in subsequent years, shall be consigned annually in the general budget of expenses for the Department of Education. To cover the administrative expenses of the program, no sum which exceeds 2% of the funds appropriated to it may be used. The program's funds shall be distributed among the three (3) modes in accordance with the demand for each of them. ....

WAIVERS

Illinois

Illinois statutes provide a process for securing waivers or modifications of state law mandates and administrative rules and regulations.

[Ill. Comp. Stat. Ann. 5/2-3.25g (West 1996)]

.... Notwithstanding any other provisions in this school code or any other law of this state to the contrary, school districts may petition the state board of education for the waiver or modification of the mandates of this school code or of the administrative rules and regulations promulgated by the state board of education. Waivers or modifications of administrative rules and regulations and modifications of mandates of this school code may be requested when a school district demonstrates that it can address the intent of the rule or mandate in a more effective, efficient or economical manner or when necessary to stimulate innovation or improve student performance. Waivers of mandates of the school code may be requested when the waivers are necessary to stimulate innovation or improve student performance. Waivers may not be requested from laws, rules, and regulations pertaining to special education, teacher certification, or teacher tenure and seniority. ....

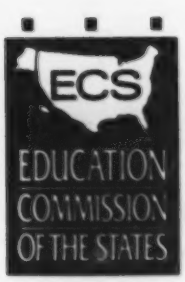
Missouri

Missouri statutes have a provision for "Outstanding Schools Waivers."

[Mo. Ann. Stat. §160.518 (West 1997)]

(3) The state board of education shall suggest criteria for a school to demonstrate that its students learn the knowledge, skills and competencies at exemplary levels worthy of imitation by students in other schools in the state and nation. "Exemplary levels" shall be measured by the assessment system developed pursuant to subsection 1 of this section, or until said assessment is available, by indicators approved for such use by the state board of education. The provisions of other law to the contrary notwithstanding, the commissioner of education may, upon request of the school district, present a plan for the waiver of rules and regulations to any such school, to be known as "Outstanding Schools Waivers," consistent with the provisions of subsection 4 of this section.

(4) For any school that meets the criteria established by the state board of education for three successive school years pursuant to the provisions of subsection 3 of this section, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092, RSMo, and such other rules and regulations as determined by the commissioner of education, excepting such waivers shall be confined to the school and not other schools in the district unless such other schools meet the criteria established by the state board of education ... and the waivers shall not include the requirements contained in this section and section 160.514. Any waiver provided to any school outlined in this subsection shall be void on June 30 of any school year in which the school fails to meet the criteria established by the state board of education consistent with subsection 3 of this section.



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